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WMMG 3562.4  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of James H. Cink, et al.  
Serial No. 10/805,802  
Filed March 22, 2004  
Confirmation No. 9954  
For PEST CONTROL DEVICE AND METHOD  
Examiner Kurt Rowan

Art Unit 3643

April 12, 2005

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, Whitmire Micro-Gen Research Laboratories, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/400,773, filed on March 25, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

4/12/05  
Date

  
Signature

Brian P. Klein, Reg. No. 44,837  
Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included
- ☒ PTO suggested wording for terminal disclaimer was
- ☒ unchanged
- ☐ changed (if changed, an explanation should be supplied)

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